

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/11/2002

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-020713

FILED: _____

VICTOR J DANCEL

VICTOR J DANCEL
2501 N 90TH AVE
PHOENIX AZ 85037-0000

v.

MARY FIELDS

MARY FIELDS
2505 N 90TH AVE
PHOENIX AZ 85037-0000

PHX CITY MUNICIPAL COURT
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

Appellant has requested Oral Argument in this case; however, oral argument would not be helpful to a resolution of the issues presented.

IT IS THEREFORE ORDERED denying the Request for Oral Argument.

This matter has been under advisement and the Court has considered and reviewed the written record of the trial court's file and the memorandum submitted by Appellant. Appellee has chosen not to file a memorandum in this case.

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This case involves an Injunction Against Harassment granted by the Phoenix City Court on October 12, 2001 to Appellant, Victor Dancel against his next door neighbor, Appellee, Mary Fields. Appellee requested a hearing on the Injunction which was scheduled for November 6, 2001. Both parties received notice of this hearing and both parties appeared. After taking testimony and considering the evidence presented, the trial court dismissed the Injunction Against Harassment and vacated its previous order granting the same on November 6, 2001. Appellant filed a timely Notice of Appeal in this case; however, though it appears a taped recording of the hearing of November 6, 2001 was prepared and turned over to Appellant, no tape recording or transcript has been filed with this Court. Thus, there is no transcript or tape recording of the hearing of November 6, 2001 for this Court to review. Without a record this Court must presume that the trial court acted correctly in dismissing the Injunction Against Harassment and that the evidence presented at that hearing fully supports the trial court's ruling.

IT IS THEREFORE ORDERED affirming the Phoenix City Court's order of November 6, 2001 dismissing the Injunction Against Harassment.

IT IS FURTHER ORDERED remanding this matter back to the Phoenix City Court for all further and future proceedings.